

**BUILDING  
PERFORMANCE**

# Occupational Regulation Reforms Summary of submissions

AUGUST 2023



MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT  
HĪKINA WHAKATUTUKI

Te Kāwanatanga o Aotearoa  
New Zealand Government



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

## **Ministry of Business, Innovation and Employment (MBIE) Hīkina Whakatutuki – Lifting to make successful**

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

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# Introduction

Occupational regulation is the primary tool used to manage practitioners in the building sector and make sure they are capable and operating safely.

## **Occupational regulation is one part of a wider building control system**

The building control system is the regulatory regime for the building and construction sector in Aotearoa New Zealand. The purpose of the building control system is to provide assurance to building owners and users that buildings are well-made, safe, durable and healthy.

The building control system encompasses a number of critical elements that, together, aim to ensure building work is done right the first time. This includes quality building standards that are effectively monitored and enforced, a skilled and competent building workforce, informed and empowered consumers, and a strong building consent regime.

## **The objective of occupational regulation is to protect the public from significant harm**

Occupational regulation aims to protect the public from harm by ensuring services are performed with reasonable care and skill. There is a major risk that substandard work will lead to disastrous failures, harm to the public and destroy consumers' trust and confidence in the professions.

Six occupations are currently regulated in the building and construction sector: architects, electrical workers, engineering associates, engineers, building practitioners, and plumbers, gasfitters and drainlayers.

Occupational regulatory regimes are being reviewed as part of the Building System Reforms to determine regulatory gaps and address issues to make these regimes more effective. Statutory reviews and previous consultations have identified some areas for improvement in the current regimes. An important aim of the Ministry of Business, Innovation and Employment's (MBIE) reforms is making sure occupational regulation is fit for purpose and is moving towards a consistent approach across the sector where appropriate.

## **Scope**

This document summarises the submissions made on the discussion document. The discussion document sought feedback on the following occupational regimes:

- For licensed building practitioners, we consulted on proposals for change regarding supervision and licensing, and sought feedback on issues with competencies.
- For plumbers, gasfitters and drainlayers and electrical workers, we consulted on the scope of codes of ethics so that poor behaviour can be addressed.
- For registered architects, MBIE is reviewing the Registered Architects Act 2005 and sought feedback on a range of issues to determine if the regime is still fit for purpose.

## **Overview of the consultation process**

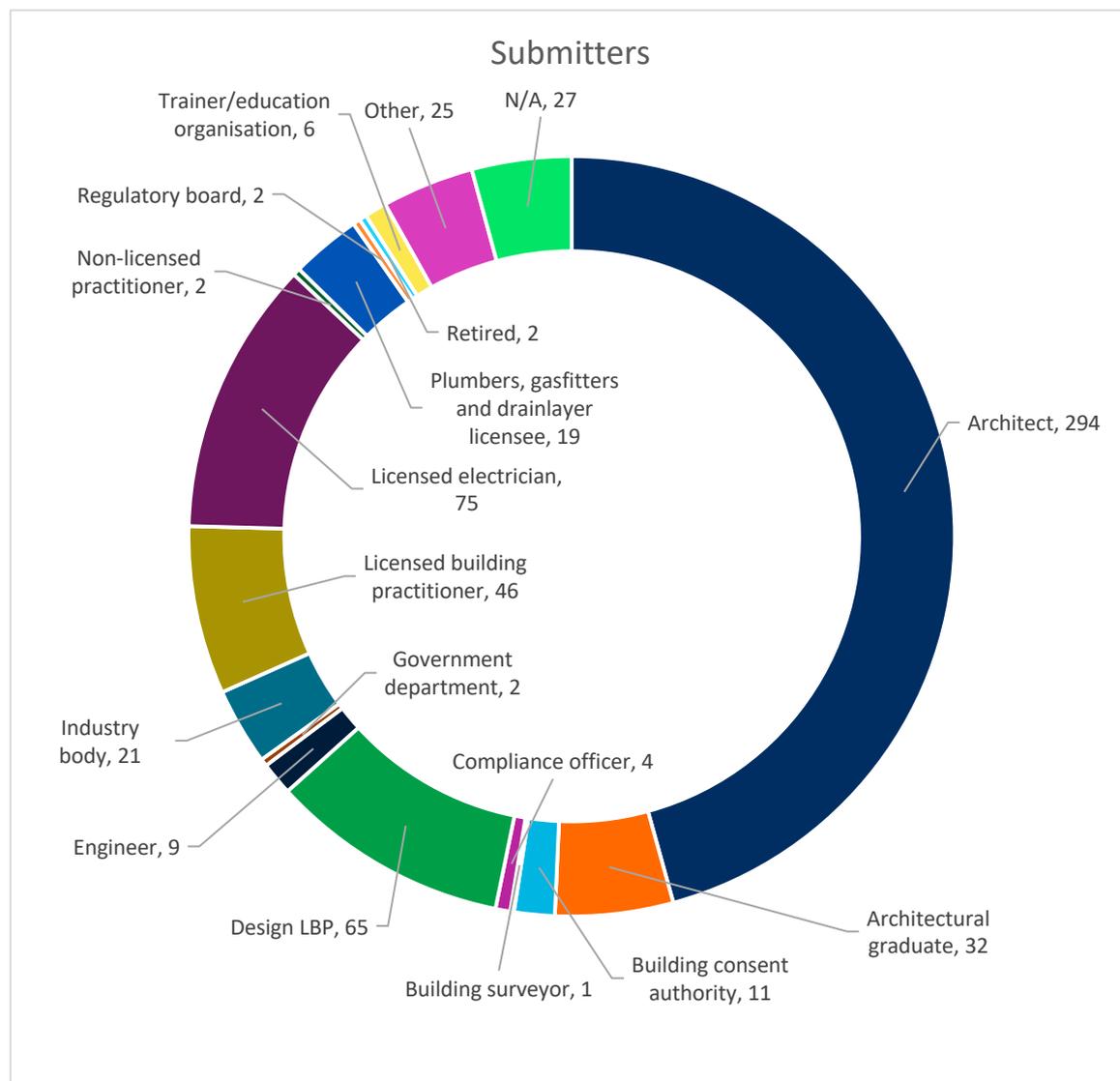
MBIE began consultation on 21 February 2023, with submissions open for a total of seven weeks. The consultation period ended on 6 April 2023. A total of 22 questions were asked in the discussion document.

An advertising campaign was launched to promote awareness of the consultation and drive target audiences to make a submission. In addition, MBIE published a news article, posted on social media, sent resource packs to sector organisations and emailed stakeholders to promote the consultation.

**Feedback was received from a range of submitters**

A total of 643 submissions were received from a broad range of submitters on the discussion document. MBIE received 178 written submissions and 464 online submissions. One submission was made over the phone. Of the submissions received, 115 were sent in by registered architects and architectural graduates supporting the submission made by the New Zealand Institute of Architects.

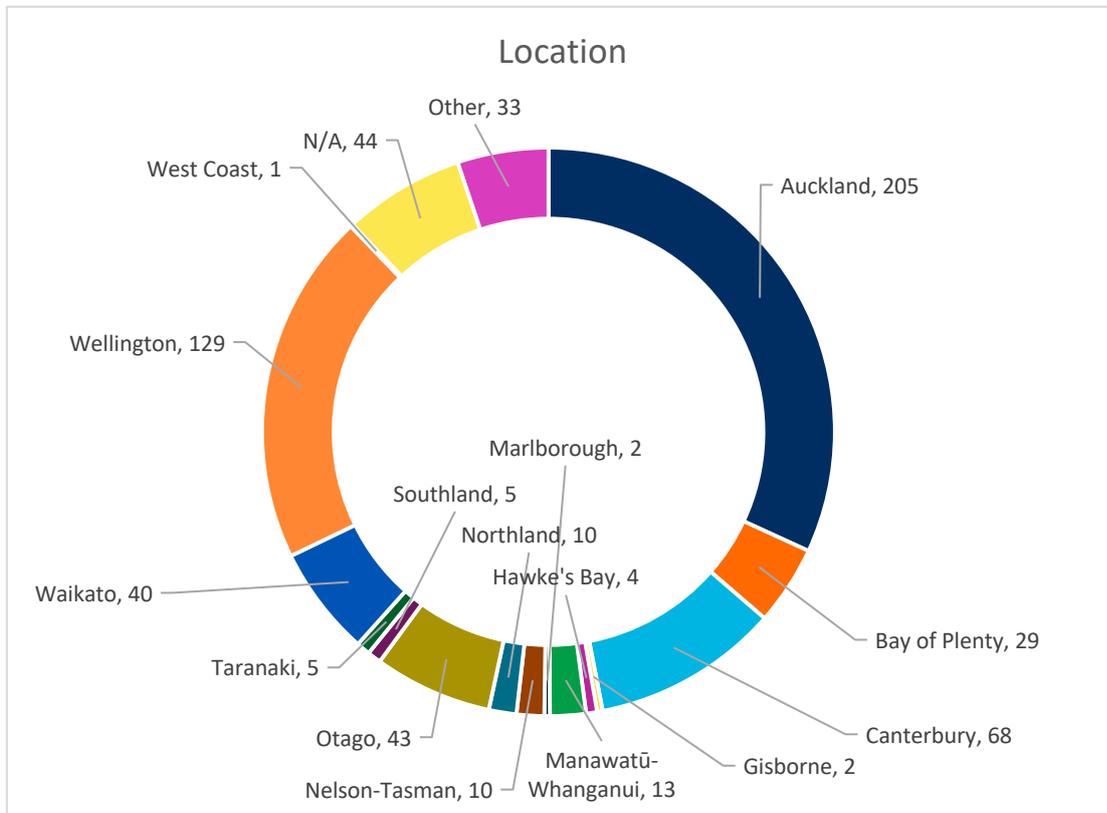
MBIE received responses from submitters representing a cross-section of the building and construction sector. The overall breakdown of the submissions received by submitter category is as follows:



These submitters represented a range of stakeholders across the building and construction sector, including architects; Licenced Building Practitioners (LBP); plumbers, gasfitters and drainlayers; electrical workers; industry bodies; and building control authorities. Eleven building consent authorities across Aotearoa New Zealand made submissions. Twenty-two industry bodies made submissions on the discussion document.

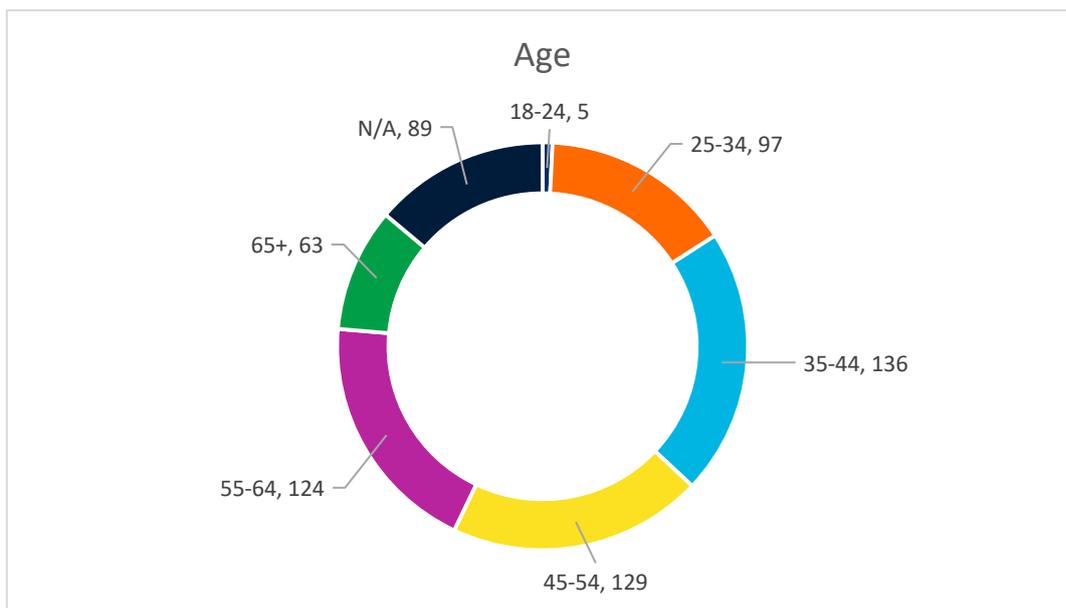
Architects comprised the largest group of submitters (294), followed by licensed electricians (75), design LBPs (65) and LBPs (46).

Submissions were received from submitters from all over Aotearoa New Zealand. The majority of submitters were from Auckland (205), with a strong representation from Wellington (129) too:



Most of those who answered as Other were based overseas.

Submitters were also asked what age bracket they were in. There was a fairly even split across age ranges. Many businesses and organisations who submitted did not provide a response for this question:



## How this paper is structured

This document is grouped into two parts based on the structure of the discussion document.

Part 1 summarises stakeholder feedback on proposals for change:

- Licensed Building Practitioners regime: changes to supervision and licensing areas.
- Electrical Workers regime and Plumbers, Gasfitters and Drainlayers regime: the scope of codes of ethics.

These proposals for change have been developed through previous consultations.

Part 2 summarises stakeholder feedback on issues MBIE will be undertaking further work on to determine options for change:

- Registered Architects regime: review of the Registered Architects Act and preliminary issues.
- Licensed Building Practitioners regime: improving the regime's competencies and minimum standards for entry.

Feedback and evidence presented in the submissions will be used to inform MBIE's understanding of the issues and whether there is a case for change.

## Meaning of terms used

This document is designed to give readers a general idea of the number of submitters making similar comments throughout the document. The numerical values of terms used are outlined in the table below:

Term	Number of submissions
One/single/a	1
A couple/ a few	2 – 3
Several/ a number of	4 – 7
Group or a collection	8 – 15
Some, many, or a large number	Up to 50% of submitters
Most or the majority	Over 50% of submitters

# Part 1: Proposals for change

## Overview

Part 1 of this document summarises the submissions received in relation to proposals for change to the Licensed Building Practitioners (LBP) regime and the scope of a code of ethics for electrical workers and plumbers, drainlayers and gasfitters. The questions in Part 1 of the discussion document sought feedback on whether these proposals should progress and how these proposals could work in practice.

In relation to the Licensed Building Practitioners regime proposals on supervision and licensing classes, submitters agreed:

- that the introduction of a supervision endorsement could reduce poor practices and address issues around work quality, but were split on whether qualifications should be required
- that there is a need for the new licensing areas of stonemasonry and specialist installers as regulation is needed in these areas, but also highlighted obstacles in licensing internal waterproofing.

In relation to the proposed codes of ethics submitters agreed:

- that a code of ethics for both the Electrical Workers and Plumbers, Gasfitters and Drainlayers regimes will better support the regulators to hold poor behaviour and practices to account, and increase overall public trust and confidence in the professions
- that many practitioners are already subject to a code of ethics in some form (as they already exist for Master Plumbers and Master Electricians) but setting one through legislation will enable a consistent set of behavioural standards to be established across the building and construction sector.

# Part 1A: Licensed Building Practitioners regime: Proposals for change

Part 1A looked at two areas of the Licenced Building Practitioners (LBP) regime: introducing a supervision endorsement and expanding the licensing areas. These proposals that were developed based on the feedback received during MBIE’s consultation on the LBP regime in April 2021.

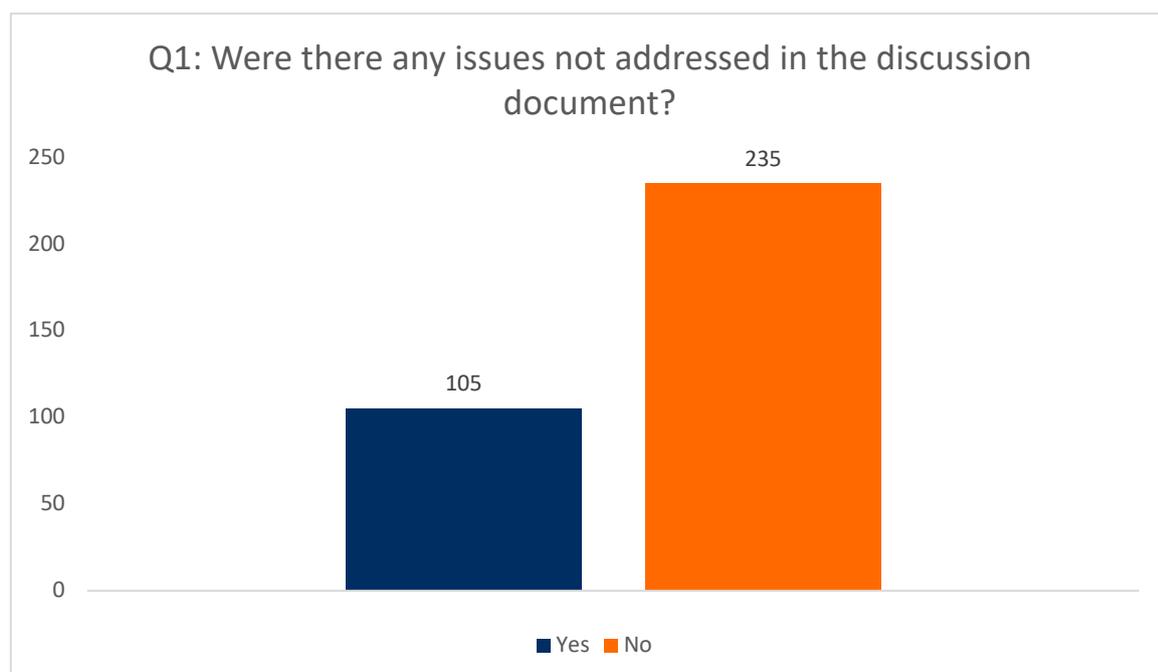
There is clear support for the introduction of a supervision endorsement. Most submitters also agreed that to obtain a supervision endorsement, a person should be subject to some form of a competency check. There is a clear split amongst submitters about whether a qualification should also be mandatory for anyone wishing to become endorsed, due to the time and monetary costs involved in obtaining one, and the barriers it would present.

There is also clear support for expanding the licensing areas, including adding stonemasonry to the Bricklaying and Blocklaying class, and introducing a new class for specialist installers. There was also strong support for the introduction of a class for internal waterproofing, but concerns about the scope of the class and what it would cover.

**Question 1: MBIE has outlined a range of problems that are affecting the LBP regime, from the two overarching problems to the more specific problems detailed in each section. Are there any issues that have not been included?**

Question 1 asked submitters whether there were any issues that had not been covered in the discussion document. This question was asked to ensure that MBIE had captured all issues affecting the LBP regime in the covered areas. The discussion document did highlight that this was limited to areas discussed in Part 1A.

Overall, 340 submitters answered this question, with 69 per cent of submitters saying that MBIE had covered the relevant issues.



Most submitters who said that MBIE had captured all the issues did not provide a supporting reason, with most simply confirming that the breadth of issues covered in Part 1A seemed appropriate.

Some of those who did answer this question highlighted issues that were outside of the scope of what we were consulting on. Some of these submissions included issues navigating and obtaining building consents, a lack of third-party inspection across the duration of a project, and discontent with the amount of administration required throughout a project. While these issues are relevant to the Government's commitments to improving the LBP regime, they do not relate directly to supervision or the licensing areas but will be looked into and considered as part of MBIE's broader policy work on building control system improvements.

Other issues raised in response to this question were with the current guidelines for LBP supervision, suggestions that the supervision endorsement be made available to companies as well as individuals, and suggestions that the scope of restricted building work and the licensing classes be expanded to cover all building work.

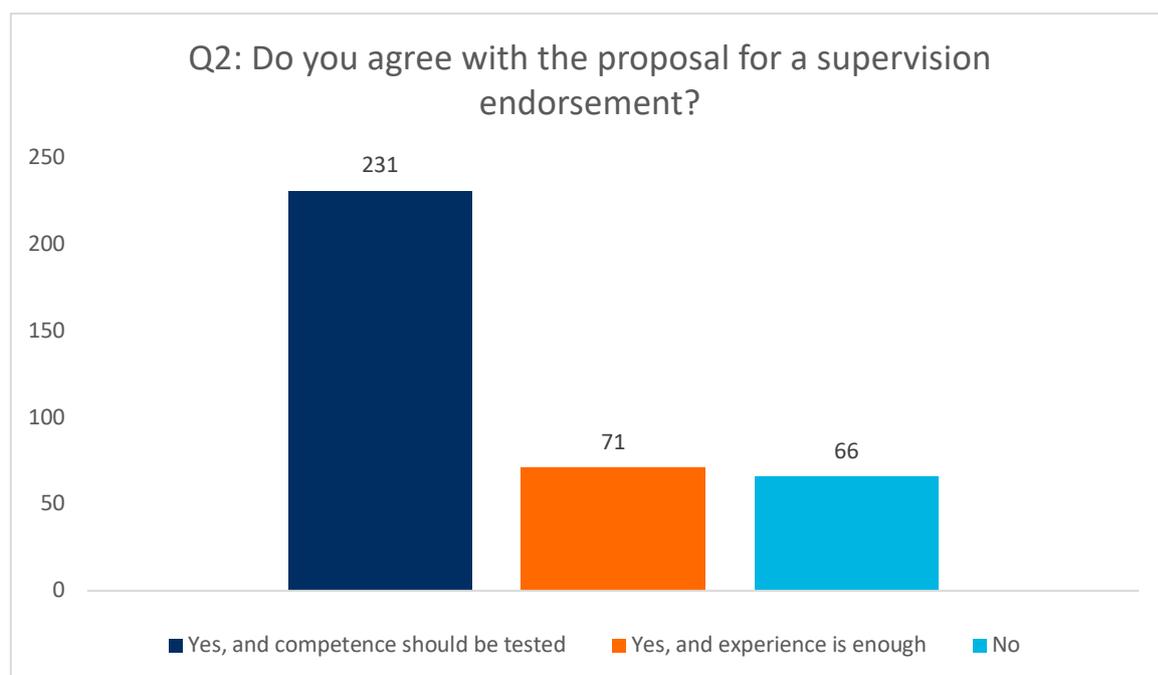
## Issue 1: Supervision

MBIE proposed a licence endorsement for supervision, where only those who were assessed as competent would be able to supervise restricted building work, and what criteria should be met before a practitioner can become endorsed.

Overall, submissions supported the proposal for a supervision endorsement and for competence testing before obtaining it, however, submissions were split evenly on whether a recognised qualification in supervision should be needed to be eligible for the endorsement. Some submitters, including those who both agreed and disagreed with the proposals, said that the endorsement alone would not be enough to address all issues with supervision, particularly remote supervision.

### Question 2: Do you agree with the proposal for a supervision endorsement?

Question 2 asked submitters if they agreed with the proposal for a supervision licence endorsement, and whether experience alone would be enough to be eligible, or whether the LBP would need to have their ability to supervise tested as well. This question was answered by 364 submitters. Overall submitters supported the introduction on a supervision endorsement with 82 per cent agreeing with the proposal, and 63 per cent saying that competence needed to be tested before obtaining the endorsement.



Submissions in favour of competence testing highlighted how the non-technical skills needed to supervise another person were different to the trade-specific skills required to complete the work in question.

Most submitters who thought experience alone was enough to be eligible for the endorsement did not provide a reason, however, those that did submitted that it could be assumed that an LBP who had obtained a certain amount of experience could be assumed as able to supervise others.

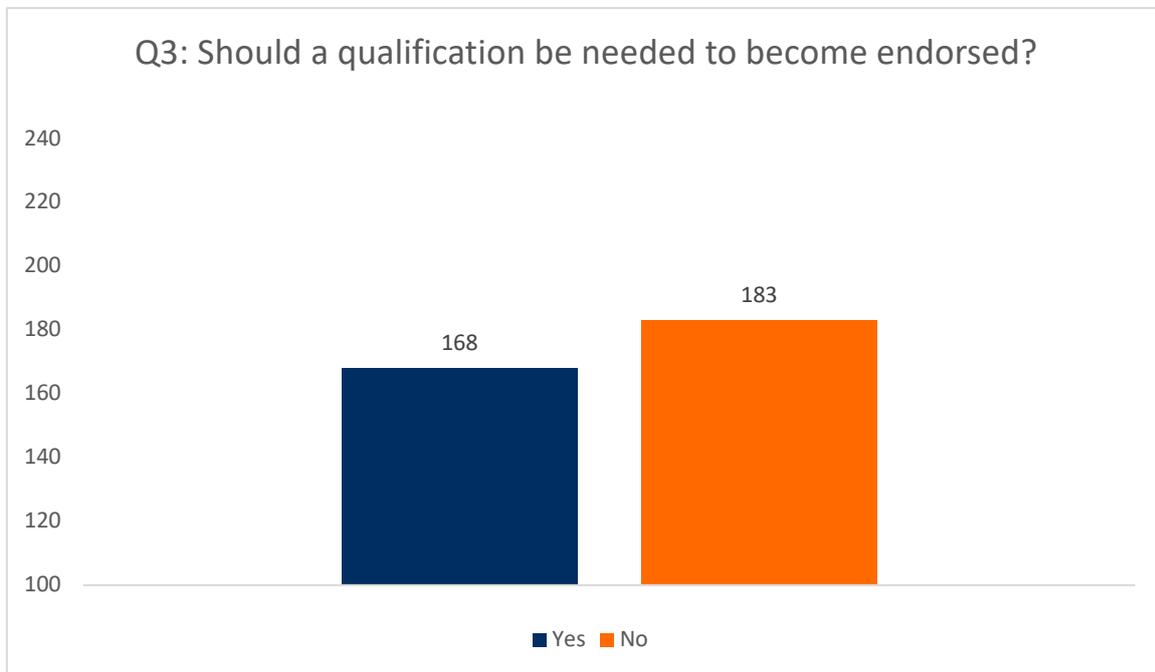
Those who submitted against an endorsement did so on the basis that there are no issues with the status quo and this approach would only increase costs. The varying reasons given to retain the status quo were:

- that the current competency checks were sufficient for checking if LBPs have the competence to supervise at the point of becoming licensed
- that the endorsement was an extra regulation that the profession did not need. A few submitters also warned of increased costs to both the sector and the public through both endorsed LBPs trying to recover costs involved in becoming endorsed, and charging themselves out at a higher rate because they were endorsed.

**Question 3: To be eligible to apply for a supervision endorsement, should an LBP be required to hold a recognised supervision qualification?**

Question 3 asked whether a recognised qualification in supervision, such as the level 4 New Zealand Certificate in Construction Trades – Supervision, should be mandatory for anyone applying for the proposed supervision endorsement.

This question was answered by 350 submitters. Submissions were split evenly, with 48 per cent in favour of a mandatory qualification, and 52 per cent against the idea.



Those not in support of a mandatory qualification submitted that:

- the skills learned on site, both trade-related and inter-personal, were enough for someone to become an endorsed supervisor, especially if competence was tested as proposed in Question 2
- a mandatory qualification could act as a barrier to people obtaining an endorsement because of the time and costs. For example, experienced practitioners who would rather work than take time off to obtain a qualification.

A few of those who submitted against mandatory qualifications did so on the basis that they had answered as being against the proposal entirely in the previous question.

Of the 168 submitters in favour of mandatory qualifications, most did not provide a reason. However, of those that did, most said that requiring qualifications would assure both practitioners and members of the public alike that they had been through a recognised system before becoming

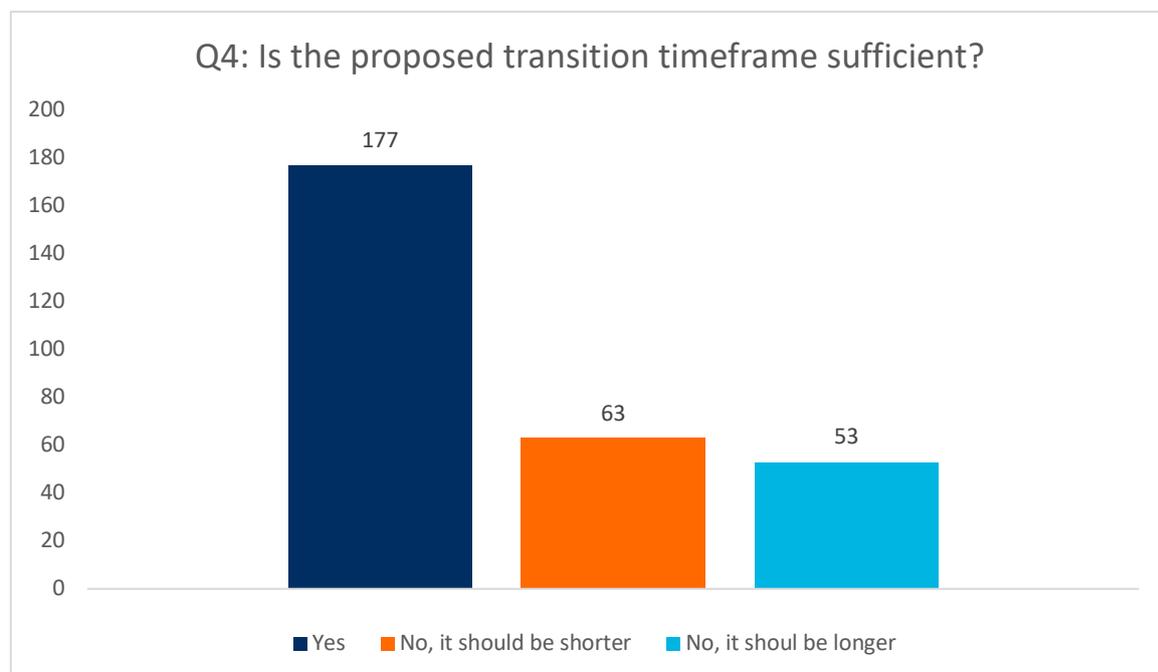
endorsed. These submitters tended to mirror the arguments made by many in Question 2: the skills for supervision were different than those for the actual trade, and therefore, a practitioner needs to be educated in the area to supervise professionally.

There were also some submitters who were in favour of mandatory qualifications being required to obtain any LBP licence.

**Question 4: Do you agree with the proposed 24-month timeframe for transition before the change comes into effect?**

Question 4 asked whether a 24-month transition timeframe would be sufficient. The 24-month timeframe was proposed to ensure enough practitioners were endorsed when the changes fully come into effect.

This question was answered by 293 submitters. Overall, submitters agreed to a short-to-medium term implementation timetable for introducing supervision requirements. Just over 60 per cent agreed that it was sufficient time; 22 per cent felt that the transition time should be shorted, while 18 per cent said that it needed to be longer. Many submitters who selected an answer did not provide a reason.



Those who responded in favour felt that it was an appropriate length of time to become endorsed, especially if qualifications were not mandatory. A couple of submitters who did agree with the timeframe did so with the caveat that if a qualification was required it would need to be in common use across the sector first.

Those submitters who supported a shorter timeframe did so on the grounds that the sector urgently needed this in place and did not have 24 months to wait. Most of these submitters suggested that the transition time should be 12 months, while a couple of submitters suggested an 18-month transition timeframe.

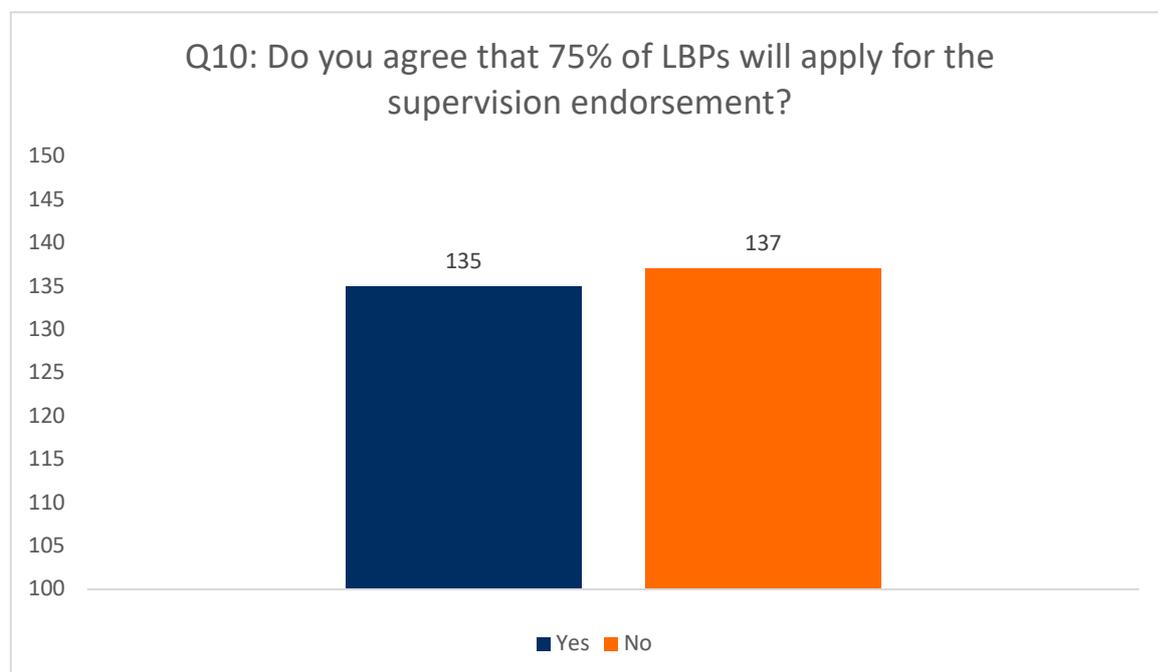
Most of those who submitted that the timeframe should be longer did so on the grounds that the sector would not adapt or respond to change well. Some of these submitters suggested that no

matter what the transition timeframe was, many practitioners would leave it until the last opportunity to apply for the endorsement. A couple of submitters also highlighted external factors such as a potential impending recession and other stresses upon those in the sector that would distract practitioners from obtaining a supervision endorsement.

**Question 10: Do you agree with our estimation that at least 75 per cent of eligible LBPs may apply for a supervision endorsement?**

As part of the discussion document’s impact analysis, question 10 asked submitters if they agreed with MBIE’s estimation that 75 per cent of eligible practitioners would apply for the proposed supervision endorsement. This figure was based on internal estimations and had been tested with key industry stakeholders prior to publishing the discussion document.

Overall, 272 submitters responded to the question, and submissions were near-evenly split – 135 submitters agreed with the figure, while 137 did not. Most submitters who answered did not provide a supporting reason.



Of those who did, arguments in favour suggested that LBPs would be enticed by the potential career benefits of having the endorsement, including the potential to distinguish themselves from their peers. This was a theme that was also expressed during the April 2021 consultation.

Of submitters who thought the figure would be lower, reasons varied. The most prominent reason was that practitioners would be put off by either the extra paperwork and administration involved in both applying for and maintaining the endorsement, or the extra liability that it would bring, and would not apply. A few submitted that business structures meant that only one person in a business would apply for the endorsement as only one person would be needed to sign off on restricted building work, while a group of submitters suggested that sole traders and other small businesses would not see the need for it.

## Issue 2: Licensing

As part of the April 2021 consultation on the LBP regime, MBIE asked submitters how accurately they felt the current licence classes represented the sector, and whether there were any areas that needed to be added. Overall, submissions showed support for stonemasonry, plasterboard installation,<sup>1</sup> and waterproofing.

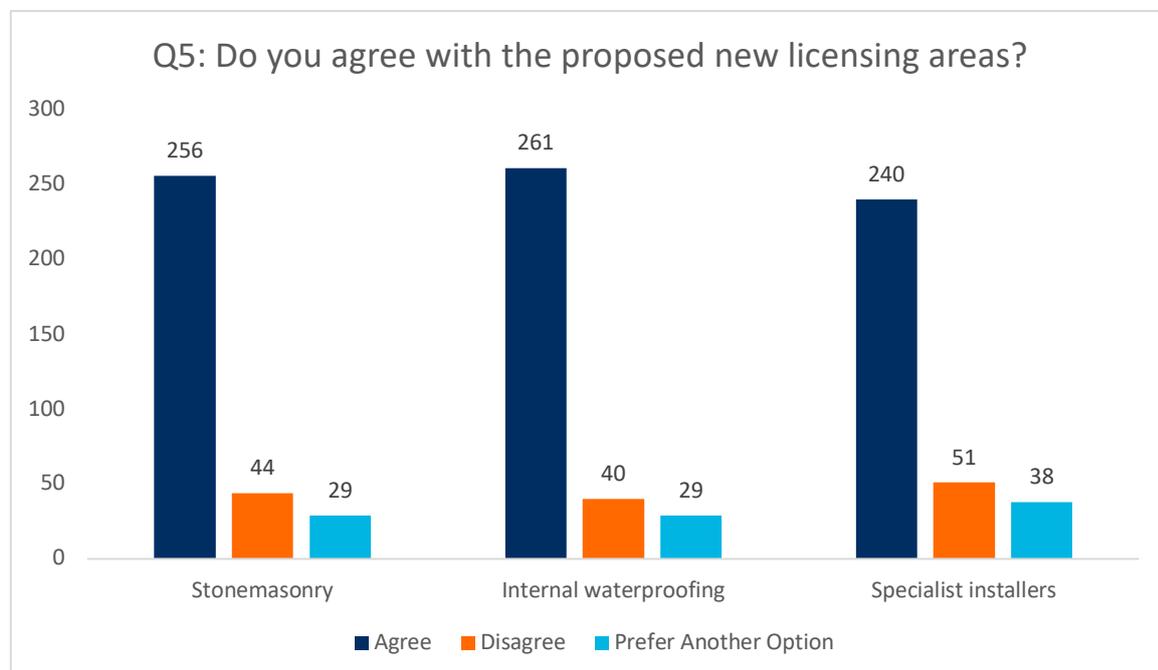
MBIE's proposals for the licensing areas consulted on were:

- adding stonemasonry as an area of practice to the Bricklaying and Blocklaying class, which would be renamed Construction Masonry
- creating a new class for Internal Waterproofing, and amending the definition of restricted building work to include protection from internal sources of moisture
- creating a new class for specialist installers, where the first two areas of practice would be plasterboard installation and external tanking.

MBIE proposed these options to regulate areas of risk that are currently unregulated (in the case of stonemasonry and waterproofing), and to provide an avenue for specialists to become licensed (in the case of the specialist installer class).

### **Question 5: Do you agree with the proposals for stonemasonry, internal waterproofing, and specialist installers?**

Question 5 asked submitters whether they agreed with MBIE's three proposed amendments to the licensing areas. For the stonemasonry and specialist installers proposals, 328 submissions were received, while 329 submitters responded to the proposal for internal waterproofing.



<sup>1</sup> Plasterboard installation is currently a competency under the LBP Carpentry class. Unlike the other classes in the LBP regime, to become licensed in Carpentry, an applicant must prove their competence in every aspect of the class, not just in certain areas of practice. This has led to a number of specialist practitioners in certain areas of the class, particularly plasterboard installation, who are competent that one aspect, but not competent in all, as would be required to become licensed.

The majority of submitters were in favour of the proposals. Most submitters who did not agree to expanding the licence classes thought that the current classes are sufficient and expanding these would duplicate council inspections.

### **Stonemasonry**

Of those who submitted on adding stonemasonry to the LBP regime, 78 per cent agreed with MBIE's proposal to add it as an area of practice to the Bricklaying and Blocklaying class.

Most of those who submitted in favour of the proposal highlighted the similarities that exist between the two areas, with a couple of submitters pointing out that some professionals already operate in both areas. Many also agreed with MBIE's analysis of the risks involved with stonemasonry cladding if the work was not done correctly, and therefore, the need for regulation in the area.

Of those who did not agree with the proposal, reasons varied. Nine per cent of respondents argued in favour of another option – mainly having stonemasonry as its own separate class (a couple of respondents suggested adding it to the proposed specialist installer class). Some of these submissions highlighted the craftsmanship that is needed for stonemasonry as a point of difference to the Bricklaying and Blocklaying class. A few submitters who disagreed entirely submitted that the areas were working well enough on their own and did not need the extra regulation; these submitters tended to disagree with all three proposals on the same grounds.

### **Internal waterproofing**

Of those who submitted on adding internal waterproofing to the regime, 79 per cent agreed with MBIE's proposal – the most supported of the three new licensing area proposals.

Most of those in favour submitted that internal waterproofing was a high-risk area where many failures happened, and that tighter regulation was needed. Most of the building consent authorities who submitted on this question were in favour of bringing internal waterproofing into the regime for this very reason. However, while there was great support from submitters for regulation in the area, submitters did say that further work was required to accurately capture the scope of work that should be regulated, and what trades and professions may be covered by the class.

Of those who submitted on this question, 12 per cent did not agree that it should be added at all. These submissions tended to point to the fact that there already were some assurances in place that helped ensure work was compliant, including manufacturer accreditations and council inspections, and that a more appropriate option was to address the legal status of producer statements.

### **Specialist Installers**

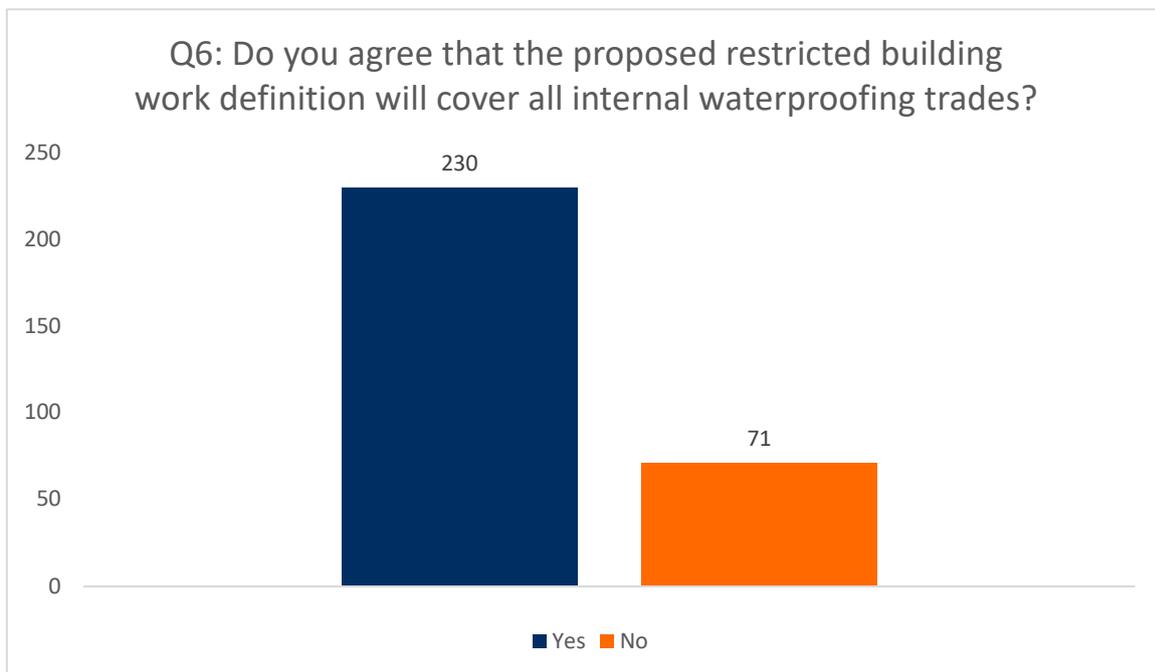
Most submitters agreed with MBIE's proposal to create a new class for specialist installers, with the first two areas of practice being plasterboard installation and external tanking. Almost 73 per cent of submitters agreed with our proposal, 15 per cent did not, and 12 per cent felt another option was more suitable.

Most of those who agreed with the proposal submitted that the proposal was an appropriate way to regulate an increasingly specialised sector, and was a good launching point for adding other specialisations in the future.

**Question 6: Internal waterproofing could cover many different trades in the sector. Do you agree that our proposed expanded definition of restricted building work would sufficiently cover all the trades in the sector?**

Question 6 asked submitters whether they agreed to our proposed amendment to the definition of restricted building work, to include “the application of internal waterproofing”. This question was asked because MBIE proposed expanding the areas that restricted building work covers, so that the work covered by the proposed new internal waterproofing licence class would only be able to be done, or supervised, by someone licensed in that class.

Overall, MBIE received 301 responses to this question, with 76 per cent of submitters agreeing. Most of those who did agree did not provide substantive reasoning beyond general agreement. However, a couple of submitters suggested specifying that the definition would work best if limited to the application of internal waterproofing in a bathroom area, leaving internal waterproofing application in kitchens not covered by the LBP regime.



The majority of those who were against the proposed expansion of the definition of restricted building work were against the proposal of an internal waterproofing licence class entirely. A couple of submitters opposed to MBIE’s proposed expanded definition of restricted building work did so because they believed that it should be limited to waterproofing in bathrooms.

**Question 7: Please tell us what types of trades you think are likely to be impacted by the introduction of this new internal waterproofing class, and what trades should be included as areas of practice?**

Question 7 asked what professions could be regulated by a new internal waterproofing class. This question was asked to determine which professions, no matter how specialised, would be captured in this new class, as a way of both assisting with designing the class and to plan for implementation. This question was answered by 198 submitters.

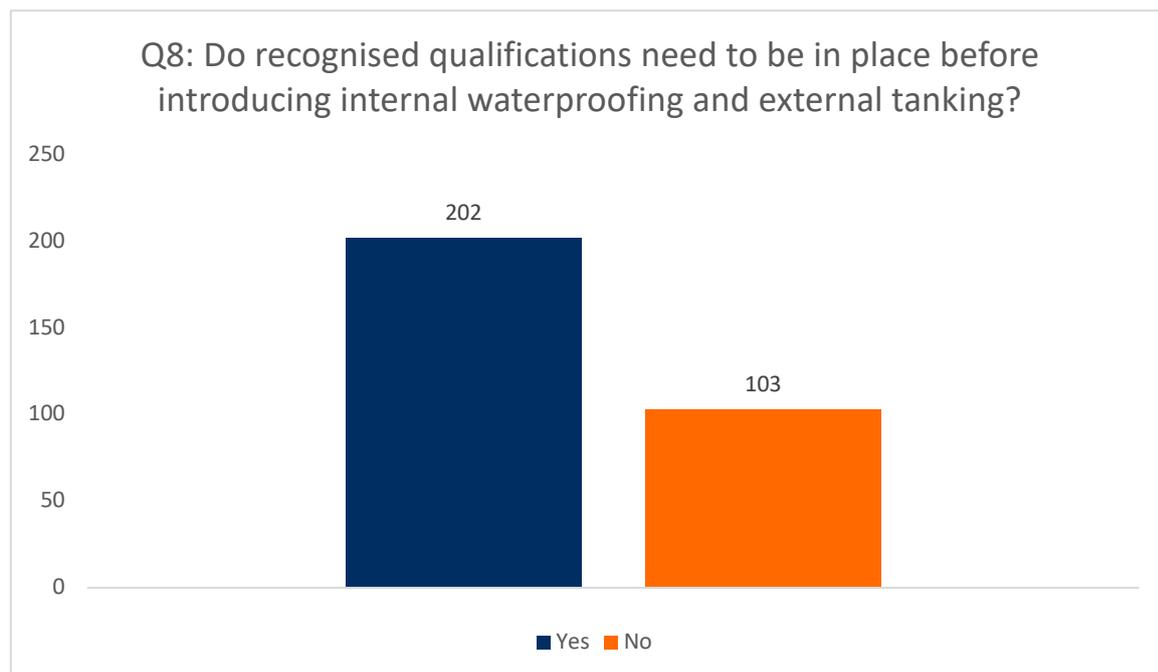
The most common answer was that tilers would be affected, with waterproofing applicators also a common suggestion. Other suggestions included bathroom floor installers, shower installers, and vinyl layers.

Many submissions also highlighted that there would be other trades and licences that would be affected by this proposal. These included Carpentry LBPs, licensed plumbers and gasfitters, architectural designers, and architects.

**Question 8: There are currently no recognised qualifications for tanking or internal waterproofing. Do you think these need to be in place before these areas are introduced to the regime?**

Question 8 asked whether MBIE needed to wait before recognised NCEA Level 4 qualifications were in place for both external tanking and internal waterproofing before these proposals were implemented. This question was asked because other classes (except for Design) have a pathway for applicants with qualifications which is used by most LBP applicants and creating a class when no qualifications are available would contradict this. Currently, practitioners who specialise in tanking and internal waterproofing receive manufacturer accreditations by attending ad hoc training sessions organised by the manufacturer of the product that they wish to install; they may not install their chosen product without having become accredited first.

Overall, 304 submitters responded to this question, and 67 per cent of submitters said that a Level 4 qualification should be in place before these areas become regulated by the LBP regime.



Many of those who said qualifications needed to be in place argued that recognised qualifications provided somewhat of a guarantee as to a practitioner’s skill level, which was important given the risks involved in the work.

The majority of those who submitted against qualifications argued that the manufacturer accreditations that the system currently relies on provided enough assurances, and that any regulation in this area should be done through the clarification of the legal standing of the producer statements that the sector currently relies on. Some of those who answered in the negative did so on the grounds that they disagreed with the proposal as a whole.

## Impact assessment

As part of MBIE's impact assessment, potential costs and benefits of the proposals across Part 1 were discussed, including where both government and sector costs would be, and what potential benefits each proposal would bring.

### **Question 9: What impacts would you expect on you or your business from the proposed changes? These impacts may be economic/financial, environmental, health and wellbeing, or other areas**

Question 9 asked submitters what potential impacts the proposals for the LBP regime would have if they were implemented. In total, 238 submitters responded to this question.

The most common response was that costs could increase. While many of these submitters did not elaborate further, some said that costs would be felt by practitioners, in both compliance and in day-to-day business operating costs (such as paying staff). Some pointed out that these costs would then be passed on through the home building process before they ultimately landed with the consumer at the end, however, a few submitters countered this by saying that the costs would be justified by the peace of mind consumers would get in choosing a licensed practitioner.

Some submitters said that the proposed changes, particularly the proposed internal waterproofing class, would lift the quality of work being done, and therefore lift the quality of Aotearoa New Zealand's housing stock too. This would be through both the competencies that would need to be met to become licensed, and therefore the ease of finding a quality practitioner. A couple of submitters felt that the changes would help make work more efficient, however, some others submitted to the contrary.

A group of submitters said that the changes would not affect them or their business at all; most of these people were architects.

## Part 1B: Electrical Workers regime, and Plumbers, Gasfitters and Drainlayers regime: Scope of potential codes of ethics.

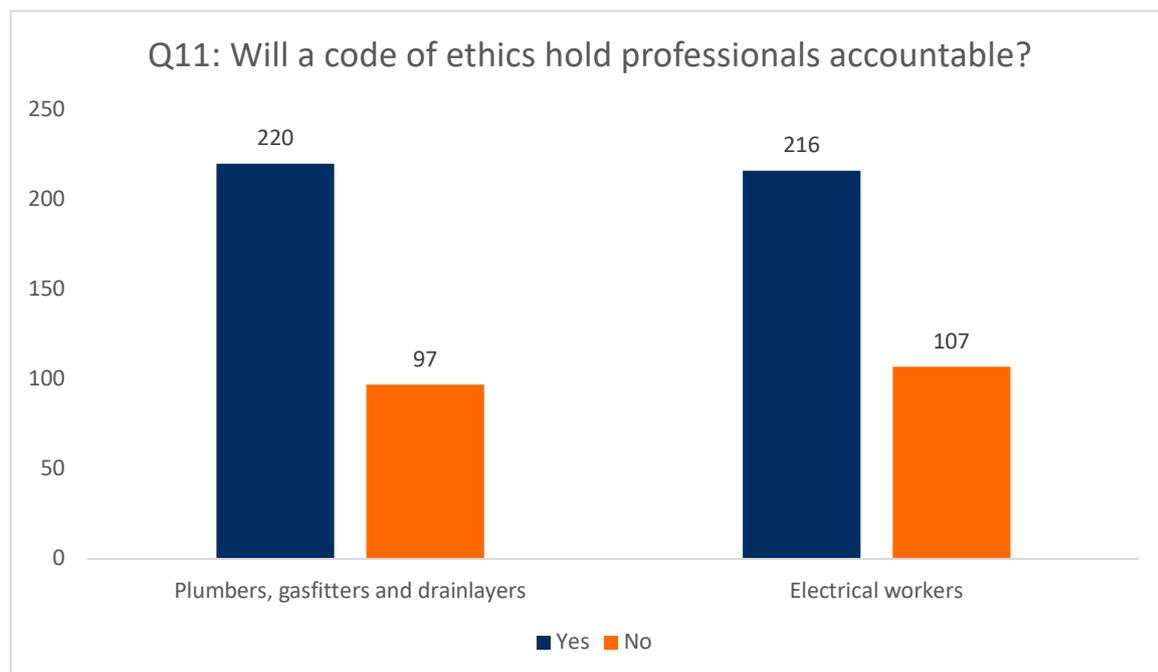
The Government has agreed to introduce a regulation-making power for the Minister for Building and Construction to set codes of ethics for the Plumbers, Gasfitters and Drainlayers regime and the Electrical Workers regime. This will be implemented through legislative changes to the respective Acts.

The proposal to introduce a code of ethics is based on statutory reviews into the Plumbers, Gasfitters and Drainlayers Act, and Electricity Act carried out between 2019 and 2021. While both regimes are working well overall, the reviews highlighted the need to provide a mechanism to improve accountability by providing clear grounds for the regulatory boards to take any disciplinary action for behavioural issues.

There is support for a code of ethics to be introduced to both the Electrical Workers and the Plumbers, Gasfitters and Drainlayers regimes to support regulators to hold poor behaviour and practices to account and increase overall public trust and confidence in the professions. There was agreement amongst submitters that behavioural standards set under code of ethics should be consistent across all professions in the building and construction sector.

**Question 11: Do you think the introduction of codes of ethics for plumbers, gasfitters and drainlayers and electrical workers will help to ensure that professionals are held accountable and improve the public's confidence in the respective regimes?**

Question 11 asked submitters whether introducing a code of ethics for plumbers, gasfitters and drainlayers and for electrical workers would help to ensure these professionals are held accountable and, in turn, improving the public's confidence in the regimes.



In total, 316 submitters responded on the Plumbers, Gasfitters and Drainlayers regime, with 64 per cent agreeing with introducing a code of ethics; 322 submitters responded regarding the Electrical Workers regime, with 67 per cent agreeing.

Accountability was a strong theme from the submissions. Submitters supported the introduction of codes of ethics under both regimes because:

- it would provide mechanisms to manage poor conduct, and support licence holders to clearly understand the level of professional behaviour expected of them
- consumers can have greater trust and confidence in the professions knowing substandard conduct or behaviour will not be tolerated.

Submitters highlighted the fact that, while many practitioners under these regimes are already subject to a code (as they already exist for Master Plumbers and Master Electricians), this would now provide a consistent approach for everyone.

Of those who did not agree with the proposal, reasons varied. Many submitters had concerns about over-regulation and raised that there is already enough legislation and regulation in the sector that covers poor conduct and professional behaviour. Several submitters warned of increased costs for both practitioners and the public. Submitters were also concerned about whether the Plumbers, Gasfitters and Drainlayers Board and Electrical Workers Registration Board have the resources to deal with an influx of complaints and processes in place to handle such complaints.

A number of submitters said that enforceability is key and introducing codes of ethics will only work if there are means to enforce it. Submitters raised the importance of having a robust system to manage the codes of ethics with a clear complaints process for reporting breaches, timely investigations of breaches and meaningful consequences and fines for breaching the code.

A few submitters were confused between a code of ethics and the standards used for technical compliance, particularly standard AS/NZS 3000.<sup>2</sup>

Several submitters had concerns about using the Licenced Building Practitioners (LBP) regime's code of ethics as a base for the Plumbers, Gasfitters and Drainlayers and Electrical Workers codes. One submitter said the LBP code is too narrow, and another submitter said the LPB code needs to be improved before any other codes are based on it, but did not provide any examples of how to improve it. One submitter said that electricians usually have a trade qualification in electrical engineering and suggested the Engineering NZ Code of Ethical Conduct would be more appropriate as a baseline. One submitter said the importance of any new code being consistent with other existing codes in the sector as inconsistencies (like those between the LPB code and Engineering NZ Code of Ethical Conduct) result in confusion across the sector.

#### **Core themes that relate to the Plumbers, Gasfitters and Drainlayers regime:**

Those who were against introducing a code of ethics for plumbers, gasfitters and drainlayers thought it would duplicate existing requirements because of a code of ethics already being in place for plumbers, gasfitters and drainlayers who are members of Master Plumbers. Submitters also raised

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<sup>2</sup> AS/NZS 3000 is the Electrical installations standard - Known as the Australian/New Zealand Wiring Rules. This standard sets out requirements for the design, construction and verification of electrical installations, including the selection and installation of electrical equipment forming part of such electrical installations.

the issue with non-qualified and unlicensed people doing registered work and suggested those people should be targeted rather than licensed practitioners.

**Core themes that relate to the Electrical Workers regime:**

Several submitters highlighted the need to educate the public to ensure they understand the code and to provide them with the necessary tools to make a complaint if they ever need to.

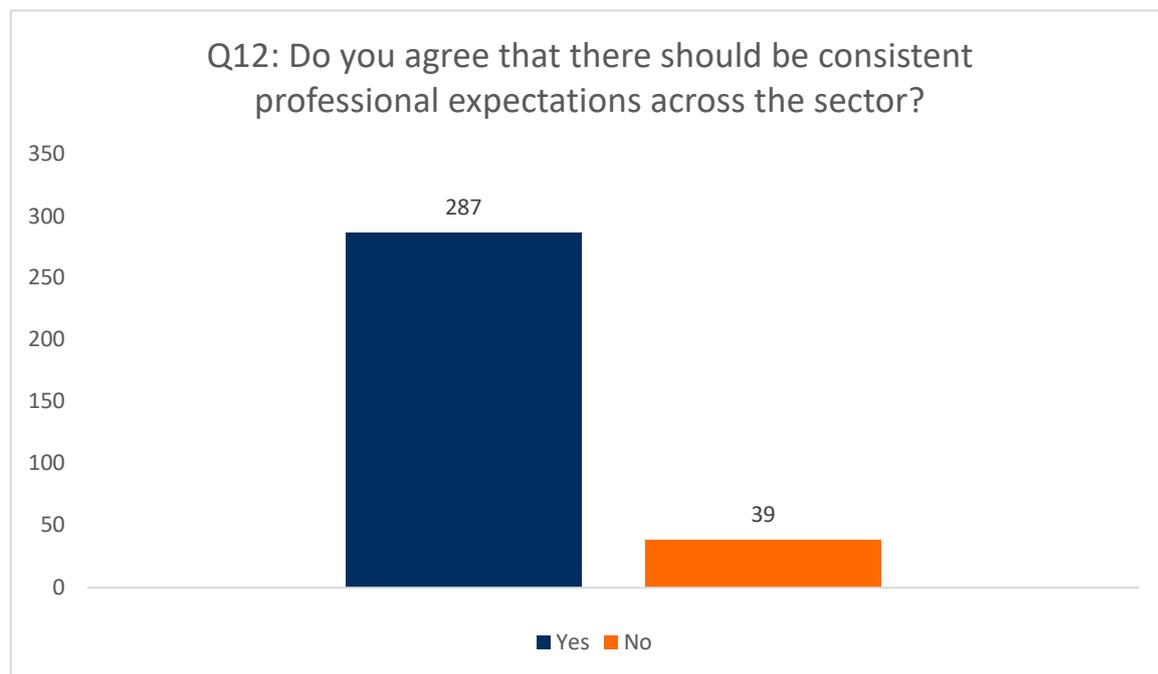
There were concerns that there are too many mechanisms in place to protect clients and almost no mechanisms to protect electrical tradespeople. A few submissions suggested that the scope of a code of ethics should focus on public good and safety. A couple of submitters queried how the code would apply to holders of employer licences.

Submitters raised concerns about a number of unlicensed people (particularly homeowners) doing prescribed electrical work who are not subject to legislation or regulations, meaning a code of ethics will not fix the problem. Abolishing homeowner exemptions to improve quality and safety was also raised by submitters.

**Question 12: Do you agree that professional expectations should be consistent across the building and construction sector?**

Question 12 asked submitters if professional expectations should be at a consistent level across the building and construction sector.

Overall, 325 submitters responded to this question, with 88 per cent of submitters agreeing that expectations should be consistent across the sector.



Submitters who argued in favour of having consistent professional expectations said it will create uniformity and conformity across the regimes and ensure that the different professions meet expectations despite the differences in their work. Many submitters said consistent professional expectations across the sector will help to promote public clarity and confidence.

Submitters who argued against having consistent professional expectations said professional expectations should be different because professions have different levels of education and

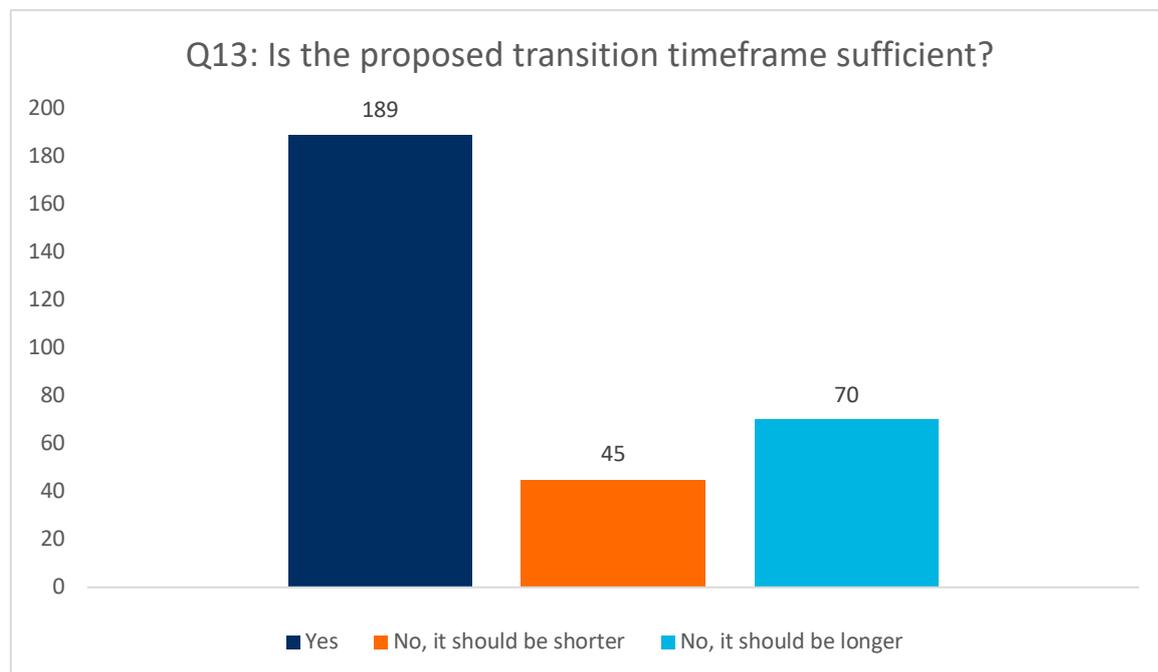
responsibility. Submitters raised that there is a difference between construction and design and that expectations should be higher for designers of restricted building work.

Most submitters who argued against having consistent professional expectations did not provide a supporting reason.

**Question 13: Do you agree with the proposed one-year timeframe for the introduction of the codes of ethics?**

Question 13 asked submitters if they agreed with the proposed one-year timeframe for introducing codes of ethics.

In total, 303 submitters answered this question, and 189 submitters agreed that a one-year timeframe for the introduction of codes of ethics was appropriate.



A group of submitters said the timeframe should be shorter as many practitioners are already subject to a code of ethics and so being subject to behavioural standards would not be new to them. People also thought the timeframe should be less than 12 months if it was simply modelled off the LBP code. Other submitters said the timeframe should be longer to ensure information is communicated clearly to both practitioners and the public, giving practitioners enough time to become educated without additional pressure, and for it to be embedded culturally.

# Part 2: Further issues MBIE sought feedback on

## Overview

Part 2 of this document summarises what submitters told us in relation to how the Registered Architects regime can be improved, and how to improve the Licensed Building Practitioners (LBP) regime's competencies and minimum standards for entry. These submissions will inform the next steps and any proposals for change.

MBIE received a significant number of submissions in relation to the review of the *Registered Architects Act 2005*. There was a clear split in their views on how well architects are currently regulated. However, most agreed that some form of mandatory occupational regulation is required for certain design work across the building and construction sector.

The proposed changes to the LBP regime's supervision and licensing areas will involve modifying and adding competencies, which is why MBIE sought feedback and suggestions for improving other areas of practice competencies that LBPs must meet.

Submissions received on improving the LBP regime's competencies and minimum standards for entry show that:

- submitters were not able to suggest how to raise minimum standards, and instead highlighted other areas that could improve practitioners' quality such as the biennial skills maintenance process, and by introducing mandatory qualifications
- submitters generally agreed that architects and Design LPBs should be regulated by the same body, but stressed that the two professions were different and should continue that way.

# Part 2A: Review of Registered Architects Act 2005

Introduction to what was said throughout this section:

Part 2A of the discussion document consulted on issues MBIE identified with the initial assessment of the Registered Architects regime. This section received the most submissions, including 115 submitters who sent in submissions templated by the New Zealand Institute of Architects. Across this section, submissions were split along the lines of perceptions held by architects, and perceptions held by the rest of the sector.

Submitters were asked to submit on how well the regime was doing at achieving the following aims:

- Increase the overall competency of architects.
- Increase confidence in the building industry by increasing the credibility of those undertaking design work as architects.
- Achieve higher standards in the building design industry.

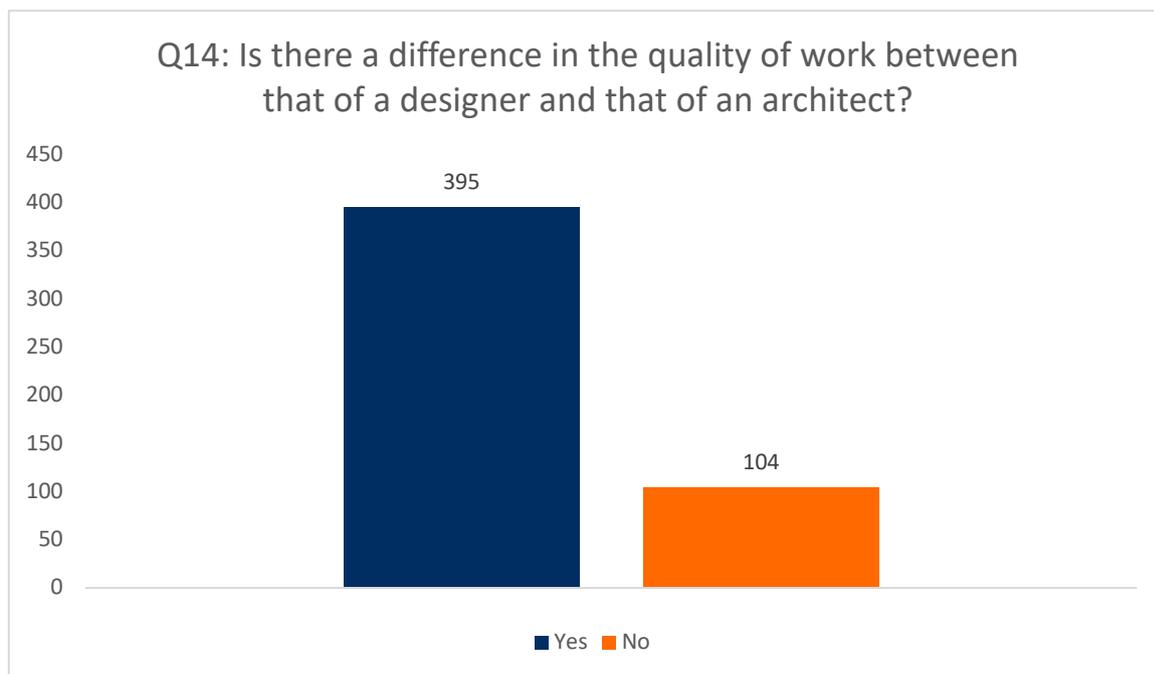
## **What did submissions say overall?**

Registered architects' submissions confirmed that they still have confidence in the current regime. They often mentioned the international recognition and mobility of the profession and the higher quality of work they are able to produce because of their combined education, training and experience, which they said exceeds what other design professionals may have. Overall, architects were happy to keep ongoing occupational regulation of the profession as it continues to protect the registered architect title and the work they do. There were some architect submitters that were supportive of a combined regime, but on the grounds that the quality of Design LBPs and their work would need to be lifted, to not negatively affect architects and their reputation.

Submitters from the rest of the sector had opposing views on roles and responsibilities between architects and other design professionals and how the Registered Architects regime may be exclusive of other design professionals. These submitters generally did not see a difference in design quality between registered architects and other designers. Non-architect submitters discussed some key areas for improvement regarding complaints and disciplinary processes, allowing for inclusive regulation and registration of Design LBPs.

## **Question 14: Is there a difference in the quality of a registered architect's design work compared to other design professionals such as Design LBPs?**

Question 14 asked whether there was a difference in the quality of the work produced by registered architects compared to that of Design LBPs. The intent of this question was to help MBIE understand whether there is a material difference in design quality between design professionals, and whether legal title protection is required to recognise any difference.



497 submitters answered this question. While the majority of submitters – 79 per cent - submitted that there was a clear difference, there was a difference of views between registered architects and others, including Design LBPs, building consent authorities, and other building industry professionals. Registered architects almost universally said that:

- there is a significant difference in design quality between the two professions
- registered architects work on more complex building projects than Design LBPs, including non-residential construction
- consumers will choose to use a registered architect due to their higher educational and professional standards.

Other submitters did not see the difference, with building consent authorities stating that both registered architects and Design LBPs have issues with incorrect documentation for restricted building work.

### **What did architects say?**

A few architect (and some Design LBP) submitters said it was hard or unfair to compare the quality of work between both, as the scope of services differs due to the type of projects they design for (i.e., residential versus commercial high-rise buildings).

One of the main themes that came through registered architect and architectural graduate submissions was that the competency checks and assessments are more stringent for the Registered Architects regime because they provide services for more complex building work. These submitters said that this is a testament to the type of work they do and they have competencies that exceed beyond restricted building work design. Architect submitters also saw more value in their pathway over the pathway that Design LBPs have because it involves more education and training, including a five-year university degree, an additional three-to-five years’ training, and the expectation of being able to demonstrate competencies that exceed the ability to draw or design a house.

An architect submitter backed this point by stating that architects take up post-graduate qualification or equivalent, prior to undertaking a registration assessment, whereas a Design LBP requires no

formal qualification: “The diploma is very much geared towards draughting while the Masters of Architecture is more holistic with a strong emphasis on creativity”.

Architect submitters said that quality differs because architects are both trained and given opportunities to demonstrate competence in all aspects of building and construction, including contract administration, predesign services and risk analysis, compared to a Design LBP’s requirement to only have technical knowledge and understanding, and less robust entry assessments.

A few submissions that came from professionals who have registered as both a Design LBP and an architect stated that the architect's registration process is stringent and sets architects up to perform to a higher standard over other design professionals. The majority of architect submitters stated that, with an internationally recognised education system and profession, keeping the current regime and the Registered Architects Act in place will continue to protect the title of registered architect, the work they do and the public that contract architects that do the work.

### **What did the rest of the submitters say?**

Most non-architect submitters, particularly building consent authorities and Design LBPs, said that there is no discernible difference in design quality of residential housing done by registered architects and other design professionals. Many Design LBPs stated that while registered architects may have higher educational and professional standards, Design LBPs also have rigorous standards and are often more focused on technical skills and compliance. Some of these submitters also said that Design LBPs have a better understanding than registered architects of the technical and compliance aspects of design, such as Building Code requirements.

Many submitters stated that the vast majority of residential housing design work is done by Design LBPs, not registered architects. Design LBPs felt this means their work is of equal importance to that of registered architects. Submitters said that, while the differences in design quality between a registered architect and a Design LBP might be profound on large scale projects, the difference when it comes to residential housing is negligible.

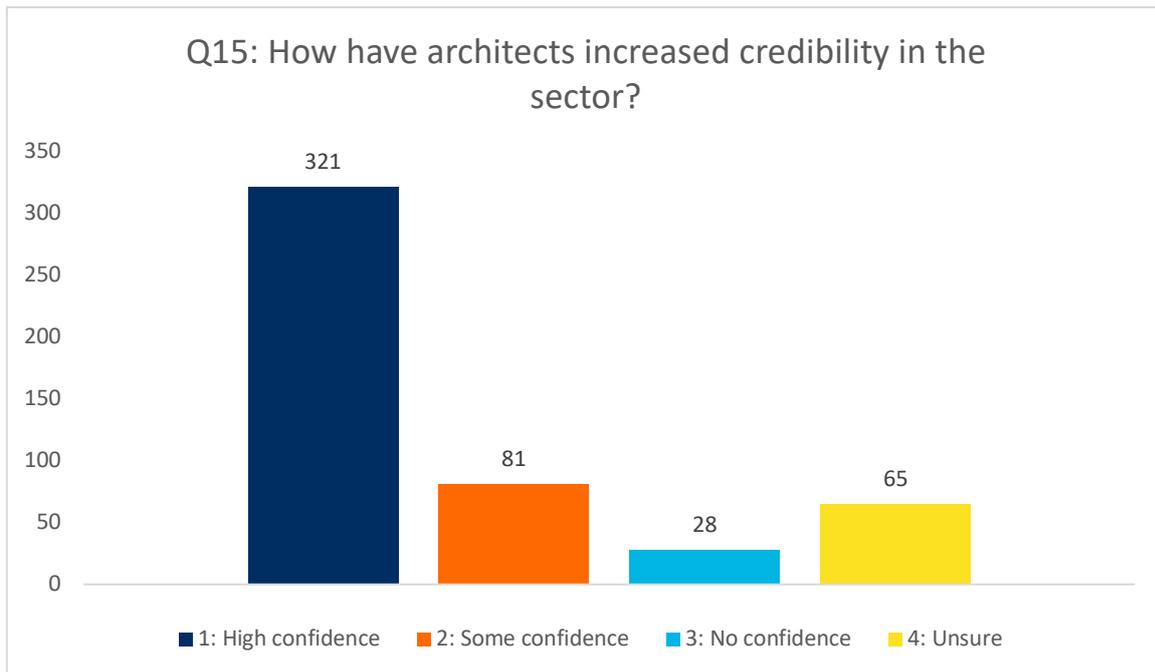
Some building consent authorities said they have concerns about the quality of design work from both registered architects and Design LBPs. Of particular concern were issues around incorrect or incomplete documentation submitted during the building consent process. According to these submitters, poor documentation frequently causes delays or other problems during consent.

### **Question 15: How have registered architects increased credibility in the building industry?**

Question 15 asked for submissions on how registered architects increased credibility in the industry. Overall, MBIE received 493 responses to this question. Submitters were given four options to choose from when answering this question:

- 65 per cent (319) agreed with option one: **Registered architects provide a high level of confidence within the building industry through the quality of their work.**
- 16 per cent (81) agreed with option two: **Registered architects provide some level of confidence within the building industry through the quality of their work.**
- 6 per cent (28) agreed with option three: **Registered architects do not provide any confidence within the building industry through their work.**
- 13 per cent (65) agreed with option four: **Not sure about how registered architects contributed to increased credibility in the building industry.**

The purpose of this question was to help MBIE understand how title protection has increased trust in the work of registered architects.



Registered architects generally favoured option one, and said that their education, professional standards and quality of work mean that they are held in high regard by the public and industry. Non-architect submitters were more likely to be unsure how registered architects increased credibility, and some thought that registered architects are held in higher regard more by the public than other industry professionals. The issue of public confusion around the distinction between registered architects and other design professionals was raised, particularly by non-architect submitters.

### What did architects say?

There was a large consensus amongst architects that the sector and consumers can place greater trust and confidence in registered architects because of the rigorous competence assessments they are subject to. These submitters said the level of training, experience, qualifications that they are expected to have, and the experience and skills they demonstrate through this process gives sector confidence in their registration. Architects' submissions also discussed the fact that their profession is internationally recognised, which provides important professional mobility, and that from the pathway to registration, and through to their role in the building process, architects are able to work with their expertise and competency levels to create high-quality design work that raises the credibility of the industry.

A few submitters mentioned that architects are able to provide a high level of confidence and credibility because they often have professional indemnity insurance. This meant they were able to provide their design work services with protection in place for them, but also it assures their clients that they are protected/covered too.

A few submitters said that Design LBPs' restriction to residential design work may limit their ability to increase public credibility. While they did not necessarily see this as a negative, they did point out that it was a limitation of what they can offer compared to architects, who are able to demonstrate

competencies across a wide range and variety of projects, complex and specialised projects. There were also a few submitters that stated that architects work in higher end projects of a complex and more sophisticated nature, where they're able to respond to specific needs and desires of their clients, producing more higher quality work over Design LBPs. However, this played into a perception that architects are more expensive to contract, although some architect submitters suggested that consumers received value for their money.

Some architect submitters expressed the view that those who become Design LBPs do so to take an easier pathway to be recognised as competent to do similar work as an architect. These submitters expressed concerns that with the lack of care or understanding from the public about the differences between roles and responsibilities, everyone is viewed as an architect, so there may be a loss of confidence and credibility from the profession because of the differing levels of professionalism and outputs.

### **What did the rest of the submitters say?**

Many non-architect submitters were unsure of how registered architects increase credibility in the building sector, in particular discussing the issue of public confusion around the distinction between registered architects and Design LBPs. Many submitters felt that this undermined registered architects' credibility specifically, or that it shows both professions are equally credible. Conversely, some submitters (particularly Design LBPs) felt that registered architects only have more credibility because of their title, not the quality of their work, and that this credibility is underserved.

Other submitters suggested that there is a distinction in how registered architects are regarded between the general public and other building industry professions, with registered architects in often held in high regard by the general public but not by other industry professionals, due to experience dealing with problems caused by poor design or management.

Some submitters said there is an issue of registered architects often passing design work for residential buildings on to other members of staff in their firms, such as Design LBPs. These submitters suggested that this undermines the credibility of registered architects. Other submitters, particularly building consent authorities, repeated their concerns about registered architects' compliance work. One building consent authority mentioned regular problems they have with registered architects, as well as architectural designers, poorly explaining alternative solutions, or not properly detailing drawings, resulting in an overuse of the Request for Further Information process.

### **Question 16: What are potential risks of harm that could arise from an architect's role in the building process? Do you have any evidence of public harm that has been caused by architects?**

Question 16 asked for suggestions for potential risks that could occur from an architect's role in the building process, particularly when the role is not fulfilled correctly. MBIE received 438 submissions for this question.

The purpose of this question was to help determine if there was sufficient risk to public harm to justify continued regulatory intervention for architects, or even expanded to meet Cabinet guidelines for occupational regulation, which state that an occupation should only be regulated if that regulation is necessary to prevent harm, particularly harm to the public.

There was a strong reaction from some registered architects who said they saw the question as seeking to prove that registered architects create risk. They felt this was offensive and strongly stated that there was no risk involved. Other registered architects felt that they reduced or mitigated

the risk of harm. Non-architect submitters said that there is a risk of harm, such as putting more importance on aesthetics over safety, associated with poor design work and that both registered architects and other design professionals could exacerbate this.

### **What did architects say?**

A main theme that came out of architect submissions was the level of risk increased if an architect was not involved in a non-residential building project, as their higher levels of qualification and greater experience significantly reduce risk registered architects view their role as being crucial within the building process, as competent leaders who oversee the project from beginning to the end. Submitters mentioned that as part of their training before becoming registered, they are trained to identify, manage and mitigate risk within a project. Some architect submitters stated that if their roles are not clearly defined or if they have a lessened or excluded role, there are increased risks to be expected as it is the case of those that act as an architect with limited knowledge and experience to manage the project successfully.

### **What did the rest of the submitters say?**

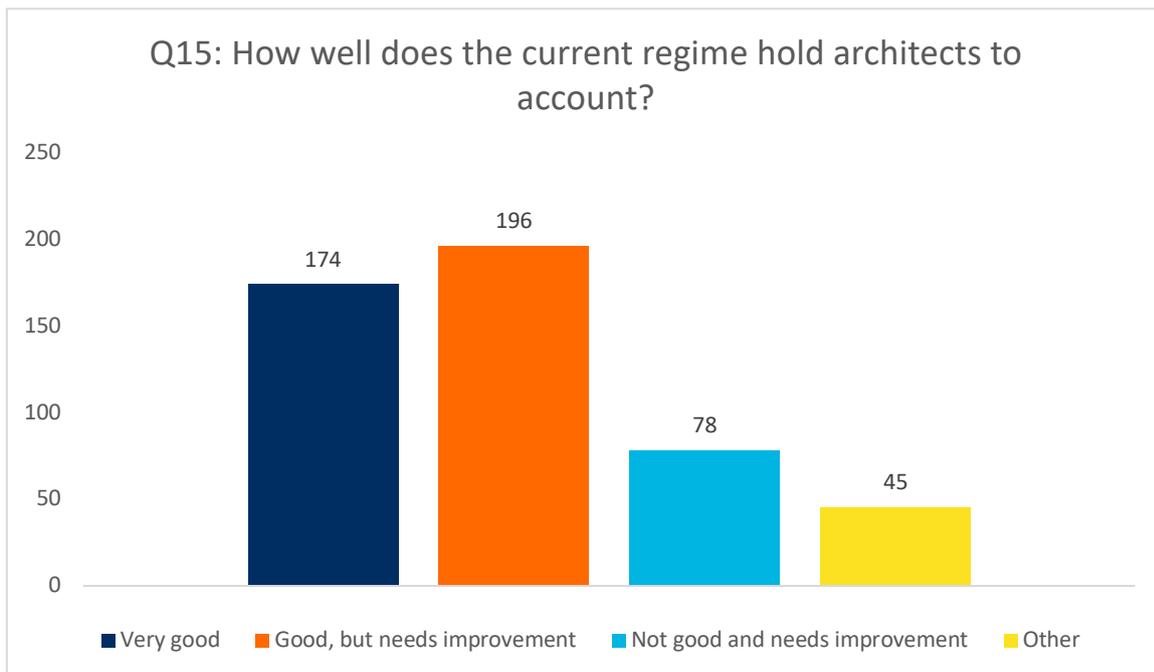
Non-architect submitters considered there to be a number of risks associated with the role of architects in the building process. These include safety risks to building professionals, building issues such as weathertightness or seismic performance, and the financial impacts of poor design to builders, firms and clients. Building consent authorities reiterated their concerns about poor documentation and understanding of rules exacerbating these risks. Lack of communication and co-ordination from architects was also brought up.

Other industry professionals, such as builders, said that sometimes registered architects put more importance on form and design aesthetics over workable and safe building designs. While it was accepted that Design LBPs might also have this issue, these submitters thought that registered architects are more likely to push the boundaries and create unworkable designs, particularly in residential design. Builders also described problems with poor planning from registered architects causing delays and extra costs, which can often be passed on to builders.

### **Question 17: How well do you think the current occupation regulation regime is at holding architects to account?**

Question 17 asked submitters how well they felt the current regulatory regime held architects to account. Submitters were given four options to choose from. Overall, MBIE received 491 responses to this question:

- 35 per cent answered: **Very Good**
- 40 per cent answered: **Good but it needs some improvements**
- 16 per cent answered: **Not good and it needs significant improvements**
- 9 per cent answered: **Other**



The purpose of this question is to help MBIE understand whether the current voluntary nature of the occupational regulation scheme is fit for purpose and effective at ensuring people are held responsible for substandard work and poor behaviour.

There was again a significant difference in answers to this question between architects and other submitters. Architects generally thought that the regime works well but would like to see it strengthened with more emphasis placed on Te Tiriti o Waitangi competence and better governance. Non-architects were generally less positive, saying the disciplinary regime is too opaque and needs more public transparency, and raised concerns about perceptions of bias, weak consequences, and disciplinary processes requiring too much time and resource.

### **What did architects say?**

There was a consensus that, while occupational regulation in the sector is mostly working well, public education on clarifying roles and responsibilities between architects and other design professionals, the value of architects, and international recognition of the profession needs to be increased. This links to earlier submissions that the title of registered architect and the work they do should be protected and that the public should understand the differences between the roles.

Registered architects also stated that, with ongoing continued professional development, five-year reviews, training and workshops that they are able to partake in to continue registration, a robust framework is already in place but that a review could continue strengthening what is already in place. Architects largely favoured the current processes and procedures in place, particularly in two large professional bodies – saying that it functions fine, is well engaged with the industry, has complaints and disciplinary processes in place, codes of ethics to hold architects to account and ongoing continued professional development that provides architects with opportunities to keep learning and keeping up to date with the latest standards.

One topic that came through some architect submissions were the complaints and disciplinary processes. A few architects and architectural graduates expressed the need to strengthen and

improve the existing processes to ensure they are more transparent particularly in relation to the cost and time involved.

Most submitters that supported or had membership with a professional body said that although they still have high confidence in these bodies, there is always room for improvement.

Te Tiriti o Waitangi was also part of key themes that architects submitted on, including making sure that Te Tiriti obligations are included in the Registered Architects Act.

### **What did the rest of the submitters say?**

There was a broad concern from non-architect submitters that the Registered Architects regime's complaints process is not transparent enough and takes too long. Many submitters thought that both the public and industry have a right to know what disciplinary action has been taken against registered architects and it should be more in line with the LBP process. The length of time and effort taken was also a significant concern, with one building consent authority stating that they have chosen not to pursue complaints against registered architects due to the time and effort it would require.

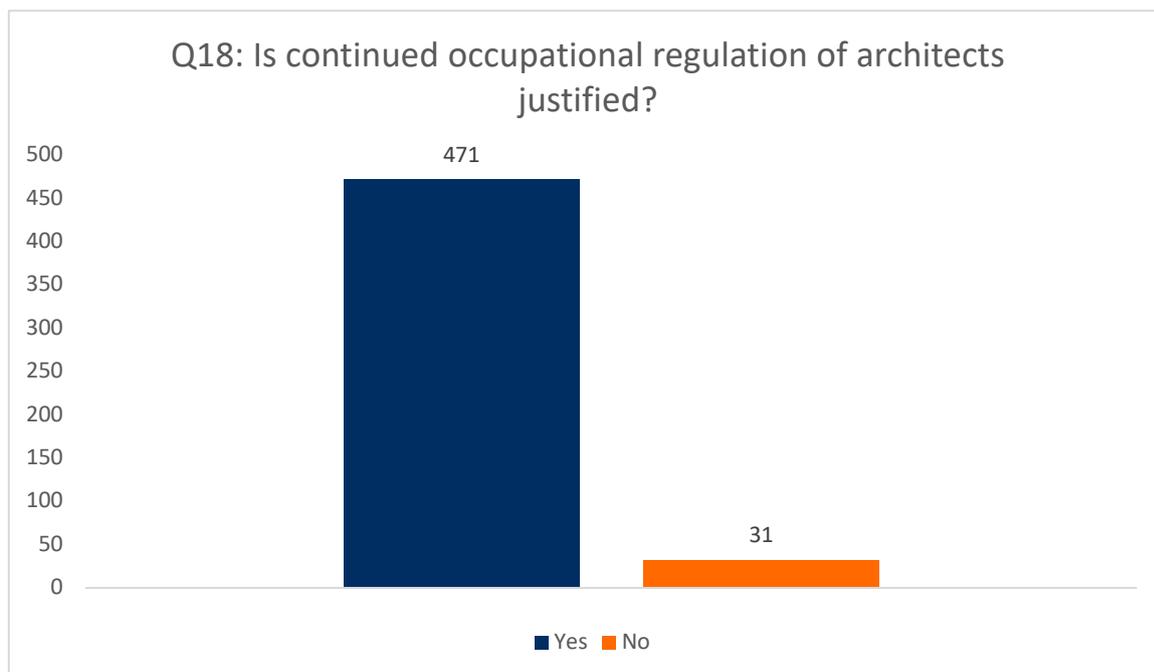
A similar, albeit smaller, concern expressed by a few submitters was that complaints against registered architects are investigated by other registered architects, which may create a perception of bias. These submitters were also concerned that complaints laid by other registered architects were taken more seriously and complaints by non-architects carry less weight.

There were concerns from some submitters that consequences for registered architects who have complaints upheld against them are not strong enough. There were also concerns that registered architects can escape disciplinary measures through contract wording which moves responsibility to others in the building process, such as builders or engineers. A small number of submitters, including one building consent authority, thought that accountability in the building process is incorrectly held by building consent authorities, not registered architects or Design LBPs, due in part to poor documentation and compliance.

### **Question 18: Is continuing occupational regulation justified for the architectural profession in Aotearoa New Zealand?**

Part 2A was concluded with Question 18, which asked whether continued occupational regulation of architects was justified. MBIE received 500 submissions on this question. Submitters across the board were strongly in favour of continued regulation, with 94 per cent of submitters in favour. The purpose of this question was to help MBIE understand whether there were grounds for the continued title protection under the Registered Architects Act.

There was a consensus amongst all submitters that some form of occupational regulation of building design work should continue, to protect against risk of poor design and ensure that appropriate standards, such as compliance with the building code and ethical standards, are maintained. Architects were mainly focused on maintaining current standards and ethical codes while non-architect submitters wanted to see occupational regulation opened up to other professionals, such as Design LBPs.



### What did architects say?

The general consensus was that architects still want to continue occupational regulation of the profession. Some architect submitters stated that continuing regulation and upholding the current legislation and regime will help to ensure competence, compliance and professionalism are kept up to standards. Another theme that came out of architect submissions was that it is crucial to acknowledge the education, training, skills and experience required to qualify for the profession. Similar to question 17 (whether the regime is holding registered architects to account), architect submitters are happy with how robust the current framework is and how they're being held to account. However, there were mentions of further protecting the title of registered architect and the work that they are able to do. Reasons included ensuring their international recognition and role in the building process is protected, and that they are not undervalued.

For a lot of architect submitters, they suggested ongoing regulation in place will strengthen public interest and understanding in the difference between registered architects and Design LBPs, but that education and publicly available information could be made better available.

Some architect submitters were concerned that if there were an option to create a single registration entity for all design professionals, that it may undervalue the role and title of architects. There were also concerns that standards may have to be lowered to include other design professionals and, as a result, title protection will lose its purpose. Some architect and graduate submitters stated that certain professional bodies hold a key oversight function, and if a single registration entity were to be created – both rigorous oversight and mutual international recognition of the system would be lost and they would have to start again.

The support from many architect submitters to keep regulation in place was to make sure that the title and profession is protected as it continues to be a mark of high-quality work as a professional and that architects are competent to work across a large variety of projects that exceed beyond any competencies or skills that other design professionals have. Architects want to make sure that regulation is kept in place so that consumers know that they are choosing to work with a regulated practitioner.

### **What did the rest of the submitters say?**

Non-architect submitters were broadly supportive of continuing occupational regulation for architecture. The main reason highlighted was the risk of poor design from untrained and unqualified people. Many Design LBP submitters wanted to see more occupational regulation for both themselves and registered architects, suggesting that there could be mandatory reviews and checks required under legislation to ensure ongoing competency.

Many Design LBPs also submitted that regulation of themselves and registered architects should be handled by the one regime; there were also suggestions of other areas that could be included. A few submissions proposed that Design LBPs would be able to call themselves architects, while registered architects could be known by a different title, such as 'master architect'.

Non-architect submitters thought that keeping a single protected title was unnecessary and something only registered architects are concerned with. They suggested that this title distinction is not something that is understood by the public and that other industry professionals do not consider it necessary as they don't see a difference.

## Part 2B: Competencies in the Licensed Building Practitioners regime

Part 2B of the discussion document asked submitters about how to strengthen entry to the Licensed Building Practitioners (LBP) regime. In the April 2021 LBP consultation, submitters signalled that the core competencies and minimum standards for entry should be lifted but did not explain how.

The purpose of these questions was to give submitters an opportunity to provide clearer feedback on this issue.

### **Question 19: How can the current competencies be improved to set them at a higher level? What specifically can you point to that needs to be improved?**

Question 19 asked how the competencies could be improved to ensure that those who become licensed in the LBP regime do so at a level that ensures that those entering the regime are at a sufficient level of ability. This is especially important given the level of responsibility that a new LBP could potentially take on once licensed.

MBIE asked this question after receiving feedback in the April 2021 consultation that overwhelmingly supported raising the minimum standards that an applicant must meet before becoming licensed, but with no suggestions on how this could be done. Overall, MBIE received 367 responses to this question.

There were few ideas on how MBIE could raise the minimum standards for entry into the regime. Instead, most submitters who responded to this question provided other areas of the licensing process where improvement could raise the standard of licensees:

- One common suggestion was making trade qualifications mandatory. Currently there are two primary paths to become licensed in the LBP regime: the qualified pathway and the experienced pathway. The experience pathway allows applicants without a recognised qualification to become licensed through a more stringent assessment process.
- The other common suggestion was making the skills maintenance process more rigorous for LBPs. Currently, LBPs are required to maintain their skills maintenance work throughout the year and are required to submit it to the LBP Registrar every second renewal period (i.e., every two years). Many of these suggestions were based on the perception that it was not new entrants to the sector who were falling behind but rather LBPs who had been licensed for a long time are not keeping up with changing technologies and processes in the sector.

Other suggestions included making assessments in person rather than over the phone, improving the standard of classroom training that is received before becoming licensed, and a couple of submitters even suggested making indemnity insurance mandatory for licence holders.

A few submitters put forward the idea of a probationary licence period when an LBP first becomes licensed, where they must undergo certain levels of supervision while working. Most of these submitters were architects who compared the entry requirements to their own.

In addition to the above suggestions, there was also a group of submitters who said that the minimum standards are set at an appropriate level and that raising them may unintentionally create a barrier for some potential LBPs from becoming licensed. Some of these submitters also referred

back to the proposed supervision endorsement, which would also solve many of the issues around competence levels.

**Question 20: Are there any new areas that should be added to the competencies? These may be general across all classes or may be specific to a certain class.**

Question 20 was asked in a similar manner to Question 19, as a response to submissions received in the April 2021 consultation that suggested they needed to be altered to suit today's building industry. Overall, MBIE received 325 responses to this question, however many of the responses received were unsure of what could be added. The majority of submissions on these questions focussed on the differences in competencies that must be met to obtain an LBP Design licence to that of a registered architect.

Of those that provided suggestions, most were ideas for competencies that could be added to the Design class. These included environmental and sustainability design, incorporating elements of Te Tiriti o Waitangi and te ao Māori, digital design and use of Building Information Modelling, and a stronger understanding of the Building Code when designing - in particular sections H1 (Energy Efficiency) and E2 (External Moisture).

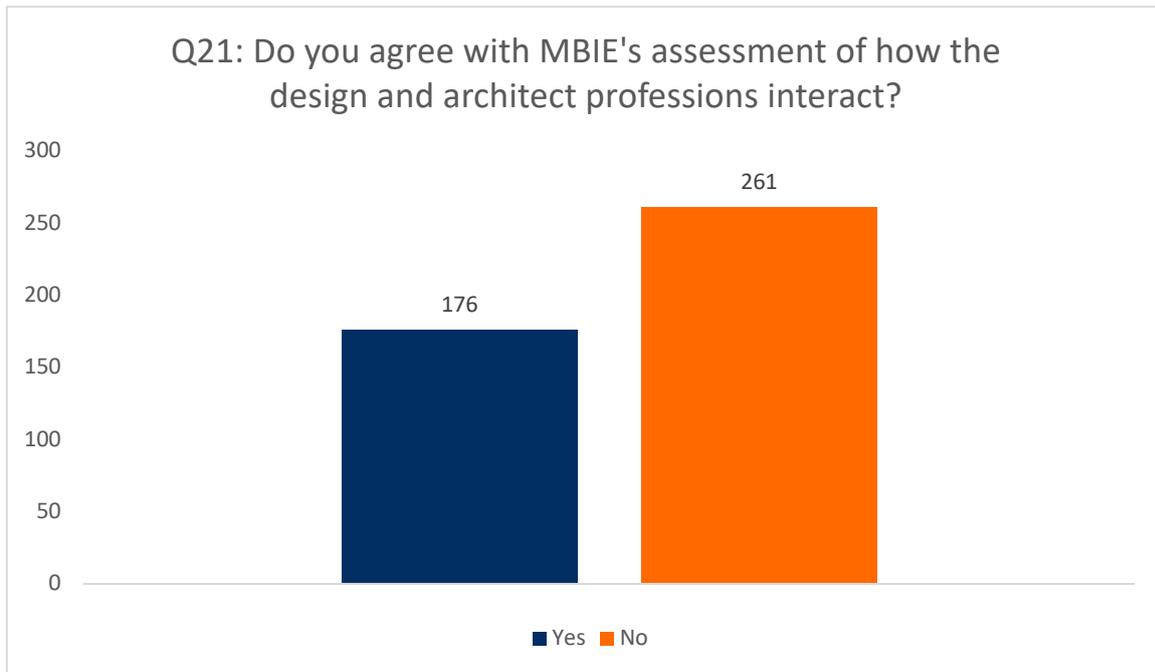
For all existing licence classes, most submissions suggested business and people-oriented competencies should be required competencies to demonstrate. This included competencies on running a business, for example managing contracts, clear communication on a site to both consumers, contractors and colleagues, or financial management. Other suggestions were more project-management based, including managing quality control, and health and safety on site.

A couple of submitters suggested ethics-based competencies; MBIE intends to introduce a competency to ensure LBPs' understanding of their responsibilities under the new code of ethics.

**Question 21: Do you agree with our assessment of the interaction between the Design class and the Registered Architects regime? Could you recommend any improvements to the competencies in the Design class? Do you believe that the two should be more closely aligned and, if so, how?**

Question 21 asked whether the LBP Design class was of a lower threshold to the Registered Architects regime. A perception exists that the Design class acts as an easier pathway for people to join the industry. The question also asked whether the two professions could be more closely aligned.

Overall, MBIE received 435 submissions on this question, with 40 per cent agreeing with MBIE's assessment, and 60 per cent disagreeing. Many of those who disagreed said that the two professions served a complementary purpose. Across demographics were receptive to the idea of a single registration body for architects and Design LBPs – although opinions differed on how it would actually be structured.



Again, there was a split in opinion between submitters. Most of those who identified as architects or architectural graduates said that while the two professions served a complementary purpose and having a single body overseeing both was a feasible option, the overall quality of Design LBPs would need to improve so as to not negatively affect architects.

There were a small number of architects who said that they felt that their own regime was not good enough, and that standards needed to be raised on both sides.

However, for those who were not architects – primarily architectural designers and building consent authorities – opinions on this issue were the opposite. Most submissions suggested that the perception was actually a misconception mainly held by architects. In particular, architectural designers also submitted that the two professions served complementary roles, however they also suggested that architects could focus too much on form over function, an issue which would then need to be rectified later in the process. Many of the architectural designers who answered this question pushed back on the alleged disparity in qualifications, highlighting that most designers are well qualified themselves.



**Te Kāwanatanga o Aotearoa**  
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